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SUBJECT: SUDAN/ICC/SANCTIONS: "WE ARE NOT NEGOTIATING WITH
SUDAN"

REF: PARIS 1671

Classified By: Political Minister-Counselor Kathleen Allegrone, 1.4 (b/d).

¶1. (C) SUMMARY: MFA DAS-equivalent for Sudan Helene Le Gal stressed on September 12 that "we are not negotiating with Sudan" concerning its recent discussion with the Khartoum regime during which the French explained to the Sudanese the things Sudan needed to do to improve its standing in the international community (reftel). She said that France wanted to see how the leverage provided by the possible ICC warrant against President Bashir could be used to induce improved Sudanese behavior, but she emphasized that France had not promised anything in return and that the bar had been set very high before France would even consider changing its position on Sudan. Le Gal reported that MFA AF A/S-equivalent Jean de Gliniasty had recently visited N'Djamena, where he discussed with President Deby follow-on options for EUFOR/MINURCAT, with Deby agreeing to a UN operation to succeed EUFOR. Gliniasty also discussed with Deby the domestic political situation in Chad and the need for increased openness. END SUMMARY.

SUDAN

¶2. (C) MFA DAS-equivalent for Sudan Helene Le Gal on September 12 provided an update on Sudan, beginning with the ICC issue. She stressed that France's recent contact with Sudan (reftel), during which Deputy Diplomatic Advisor Bruno Joubert explained in blunt terms the steps Sudan needed to take to demonstrate cooperation with the international community, should not be viewed as a French attempt to "negotiate" with Sudan over the ICC issue. She emphasized several times that "we are not negotiating with Sudan" and that "it is wrong to think we are doing so." She said that several other countries had consulted with the GOF (she mentioned specifically Egypt) and that they reported that the USG was saying that France was "negotiating" with Khartoum. She said it was most unfortunate if Washington had reached this conclusion because it was not true, although she acknowledged that she understood how the perception could have arisen.

¶3. (C) Le Gal said that the ICC prosecutor's move to indict Bashir provided an unexpected opportunity that the French believed should be exploited. Moreno's announcement had caused widespread concern and worry among Khartoum's ruling class. The GOF believed that it was worth exploring how far Sudan would be willing to go in order to obtain a more favorable stance from the international community. "We haven't promised them anything, we haven't put anything on the table, and we have made it clear that they must improve their behavior before we would even think about doing anything in response." Le Gal said that it was not a question of meeting Sudan halfway -- Sudan would have to move all the way to accept what the international community demanded with respect to Darfur, humanitarian relief,

cooperating with UNAMID and the ICC (regarding those already indicted), a halt to support for Chad's rebels, and peace talks with the rebel factions, to name the most pressing concerns. Until Sudan offered full cooperation in all these areas, France would not lift a finger to help Sudan or relieve international pressure, she said. "We will continue to say 'no' until they do everything asked of them. The bar has been set very high." Le Gal said that Sudan had not responded to Joubert's visit.

14. (C) In this context, Le Gal said it would not be productive to impose sanctions, as the U.S. had been contemplating. She observed that doing so end to any inclination that the Chadian and Sudanese rebels would talk to their respective GOC and GOS interlocutors, and vice versa. The ICC issue had rendered the sanctions issue inoperative, at least for now, she said. Perhaps sanctions would be in order if, within the next few months, we saw little or no movement on the part of the various parties. Until then, we should hold off. Moreover, she said, even if the P-3 did agree on sanctions, there was a strong possibility that such an effort would not gain the support of Russia, China, and other Security Council members. She also expected Sudan and the ICC to be widely discussed at the upcoming UNGA, with a good number of African and Arab League states likely to press for a suspension of ICC action. At the same time, the rainy season would end, with an increased prospect of military activity on the part of both the Chadian and Sudanese rebels.

15. (C) In passing, Le Gal said that Darfur rebel faction leader Abdulwahid el-Nur had not changed his position much,

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still stating that there would be no compromise on his part so long as insecurity reigned in Darfur. While she expressed understanding for his position, she said that it would be helpful if he were more engaged and played a more constructive role rather than remaining aloof. She noted that his residency permit to remain in France was now renewable on a month-to-month basis, rather than on the previous longer-term basis. "Just a small reminder that we could end his stay in France if he were to prove to be a decidedly negative influence."

Chad

16. (C) Le Gal said that MFA AF A/S-equivalent Jean de Glinasty had traveled to N'Djamena a few days before, where he met with Chad President Deby to discuss two issues -- the possible successor mission to EUFOR/MINURCAT, and Chad's internal politics. On the first issue, Deby seemed agreeable to a UN mission that would succeed EUFOR/MINURCAT. Some EUFOR countries, she said, had indicated that they would continue to contribute troops to a UN successor operation. When asked, she said that the French military opposed maintaining the high level of French troops presently serving in EUFOR but that the MFA wanted a continued strong French presence.

17. (C) On the domestic political issue, Le Gal said that Glinasty again encouraged Deby to open up Chad's political arena and to work with opposition groups, but she did not elaborate further. Le Gal commented that the Commission of Inquiry established after the February 2008 rebel offensive and which was charged with investigating the disappearance of opposition figures, seemed to have done a good job, not shying away from suggesting the apparent death of one such figure (Ibni Oumar Mahamat Saleh). If he had died, that was unfortunate but the fact that the commission was able to discuss his fate was a positive sign, Le Gal said. (NOTE: In its September 10 press briefing, the MFA spokesperson responded to a question about Ibni Oumar Mahamat Saleh as follows: "The Commission of Inquiry has not formally established the death of Mr. Ibni Oumar Mahamat Saleh. Like other international observers, we have saluted this report by

the Commission and have subscribed to its recommendations, in particular those concerning the opening of judicial procedures against responsible parties. We continue to hope that all light will be focused on this disappearance, about which (FM) Bernard Kouchner has been concerned since he first learned about it on February 3. The pursuit of truth and justice must continue." END NOTE.)

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